



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,972	04/07/2006	Achim Plum	245545	6531
23460	7590	09/23/2008	EXAMINER	
LEYDIG VOIT & MAYER, LTD			STRIMBU, GREGORY J	
TWO PRUDENTIAL PLAZA, SUITE 4900				
180 NORTH STETSON AVENUE			ART UNIT	PAPER NUMBER
CHICAGO, IL 60601-6731			3634	
			MAIL DATE	DELIVERY MODE
			09/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,972	PLUM ET AL.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 July 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) 9-16, 18, 19, 21, 22, 25, 27-29, 32, 33 and 35 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8, 17, 20, 23, 24, 26, 30, 31 and 34 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/05 + 9/28/07</u> . | 6) <input type="checkbox"/> Other: _____ . |

Election/Restrictions

Applicant's election with traverse of Group XIII in the reply filed on July 23, 2008 is acknowledged. The traversal is on the ground(s) that nothing in the record evidences a serious burden results from examining all of the claims presented in this application. This is not found persuasive because an election of species requirement is merely a holding by the examiner that each of the separate species listed is separately patentable. It appears that the applicant disagrees with the examiner's conclusion that each of the species is separately patentable. If this is case, the applicant need to merely state on the record that the applicant does not believe each of the species to be separately patentable. It should be noted that with such a statement each of the species will be considered obvious in view of the other species. Additionally, the examiner did provide some examples of why the species do not relate to a single inventive concept on page 4 of the Office action of June 23, 2008. Because the applicant failed to respond to any of the arguments in support of the restriction requirement, the requirement is still deemed proper and is therefore made FINAL.

Finally, the restriction requirement was prepared according to the PCT Rule 13.1 since the instant application was filed under 35 USC 371.

Claims 9-16, 18, 19, 21, 22, 25, 27-29, 32, 33 and 35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 23, 2008. It should be noted that upon further review of the application, claims 18, 19 and 21 do not read on the

elected embodiment of the invention because claim 18 recites the releasable coupling and because claim 21 recites rigid channel-shaped embedded carrier.

Drawings

The drawings are objected to because the lead line for reference character 61 in figure 18b does not accurately indicate the U-shaped channel. Finally, the lead lines “a-a” and “b-b” in figure 18c should be labeled --18B-18B-- and --18A-18A-- so as to indicate which figure shows the cross sectional view taken along each section line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "means" on line 2 and 5 should be avoided. Additionally, the applicant should avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 7 as "a sealing strip" on line 2 and as "the seal" on line 3. Finally, the applicant should enclose the reference characters in parentheses. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: the descriptions of figures 4, 5a, 10, 10a, 15, 16, 18a, 18b, 22A, 22B, and 22C are all inadequate because each of the figures requires a separate description. On line 2 of page 3, "stripl" appears to be typographical error. On line 4 of page 4, "B-B" should be changed to --18A-18A-- and "A-A" should be changed to --18B-18B-- to agree with the drawing changes. On line 15 of page 18, "B-B" should be changed to --18A-18A-- and "A-A" should be changed to --18B-18B-- to agree with the drawing changes.

Appropriate correction is required.

Claim Objections

Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 30 is objected to because it fails to further limit the structure of the sealing strip. It should be noted that the type of door, e.g., vehicle door, the sealing strip is mounted to does not further limit the structure of the sealing strip.

Claim Rejections - 35 USC § 112

Claims 1-8, 17, 20, 23, 24, 26, 30, 31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the frame" on line 3 of claim 1, "the point" on line 2 of claim 4 and "the main body" on line 2 of claim 5 render the claims indefinite because they lack antecedent basis. Recitations such as "abutting the closure member" on line 2 of claim 5 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a sealing strip or the combination of a sealing strip and a closure member. The preamble of claim 1 implies the subcombination while the positive recitation of the closure member implies the combination. Recitations such as "the seal"

on line 4 of claim 34 render the claims indefinite because it is unclear if the applicant is referring to the sealing strip set forth above or is attempting to set forth another element of the invention in addition to the sealing strip set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 20, 26, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarleton (US 2880049). Tarleton discloses a sealing strip 10 for a closure member 24, the closure member comprising a first part 27 and a second part 26, the strip being configured for mounting on the closure member to seal between the closure member and the frame 31 of an aperture closed by the closure member and for obscuring from view a connection region (not numbered, but shown in figure 1) between the first part and the second part of the closure member;

wherein the connection region includes the region where means 28 for connecting the first and second parts of the closure member are located;

wherein the means for connecting the first and second parts comprises a screw or a clip;

wherein the connection region includes the point at which the first and second parts of the closure member meet as would be viewed from the exterior of the closure member;

wherein the strip comprises a lip or protrusion 13 extending from the main body of the strip and abutting the closure member, the lip or protrusion being arranged such that it conceals the point at which the first and second parts of the closure member meet;

wherein the sealing strip is configured for mounting at the peripheral edge region of the closure member;

wherein the strip is configured such that the means 28 for connecting the first and second parts of the closure member may be applied when the strip is mounted on the closure member;

wherein the strip comprises a channel-shaped portion (not numbered, but shown in figure 1 between 11, 12 and 13) for coupling to a flange of at least the first part 27 of said closure member;

wherein the strip is configured to have a first position in which it allows access to the connecting means and a second operative position in which it obscures the connecting means, the strip being movable from said first position to said second position by applying a pushing force thereto.

Claims 1, 2, 7, 8, 17, 23, 24 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kesling (US 3078003). Kesling discloses a sealing strip 24 for a closure

Art Unit: 3634

member 13, the closure member comprising a first part 16 and a second part 17, the strip being configured for mounting on the closure member to seal between the closure member and the frame of an aperture closed by the closure member and for obscuring from view a connection region (not numbered, but shown in figure 4) between the first part and the second part of the closure member;

wherein the connection region includes the region where means 23 for connecting the first and second parts of the closure member are located;

wherein the strip is configured such that the means for connecting the first and second parts of the closure member may be applied when the strip is mounted on the closure member;

wherein one or more apertures (not numbered, but shown in figure 3), cuts or slits are formed in the strip 24 to allow the connecting means to pass therethrough for connecting the first and second parts of the closure member;

wherein the strip comprises a base portion (not numbered, but shown in figure 4) for attachment to at least the first part 16 of said closure member, the base portion having a plurality of recesses formed therein to accommodate the connecting means 23;

wherein the strip 24 comprises a plurality of mounting formations (not numbered, but comprising the holes through which the screws 23 pass) formed at spaced apart intervals along the length of the strip;

wherein the first 16 and second 17 parts of the closure member are configured to lie in closer proximity to one another at the regions where said spaced apart mounting

formations are provided, the spacing between the first and second parts being increased at other regions

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarleton as applied to claims 1-7, 20, 26, 30 and 31 above. Tarleton is silent concerning the particular method for assembling the door.

However, the assemblage of the apparatus of Tarleton, as set forth above, would inherently lead to the method steps set forth in claim 34.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634